

Fiscal Services Division Legislative Services Agency Fiscal Note

SF 2301 - Unborn Child, Death or Injury (LSB 7008SS)

Analyst: Beth Lenstra (Phone: (515) 281-6301 (beth.lenstra@legis.state.ia.us))

Fiscal Note Version - New

Description

Senate File 2301 defines a “person” to include the unborn as it pertains to victims of first and second degree murder, voluntary manslaughter and attempted murder. The Bill provides that these crimes do not apply to a legal abortion.

Assumptions

1. There were three convictions under Section 707.8, Code of Iowa, in FY 2003. Two were Class C felony convictions and one was an aggravated misdemeanor conviction. There were no convictions under Section 707.7, Code of Iowa, in FY 2003.
2. First degree murder is a Class A felony, which is life in prison. State costs for one Class A felony conviction are approximately \$94,000.
3. Second degree murder is a Super Class B felony, with a period of confinement not to exceed 50 years. The offender is required to serve 70.0% of the maximum term in the State prison system. State costs for one Super Class B felony conviction for a crime against a person are approximately \$82,000.
4. Voluntary manslaughter is a Class C felony. State costs for one Class C felony conviction for a crime against a person are approximately \$23,000.
5. Attempted murder is a Class B felony. The offender is required to serve 70.0% of the maximum term in the State prison system. State costs for one Class B felony conviction for a crime against a person are approximately \$82,000.
6. The costs stated above include the Judicial Branch holding a trial; indigent defense; and supervision while on probation, parole, or prison, if applicable. The costs will be incurred across multiple fiscal years.

Correctional Impact

The correctional impact is not anticipated to be significant given the low number of convictions under current law.

Fiscal Impact

The fiscal impact of SF 2301 cannot be determined due to insufficient information. The State’s increased cost for one conviction for an enhanced penalty is:

- From a Class B to a Class A felony conviction, the cost is approximately \$12,000.
- From a Class C to a Class A felony conviction, the cost is approximately \$71,000.
- From a Class C to a Class B felony, the cost is approximately \$59,000.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
Office of the State Public Defender

Dennis C Prouty

April 6, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
